

103^D CONGRESS
1ST SESSION

H. R. 2133

To increase the effectiveness of international nonproliferation safeguards.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 1993

Mr. STARK introduced the following bill; which was referred to the Committee
on Foreign Affairs

A BILL

To increase the effectiveness of international nonproliferation
safeguards.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Non-
5 proliferation Safeguards Reform Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) commercial and scientific uses of nuclear
9 energy offer the potential both to serve and to de-
10 stroy mankind;

1 (2) the International Atomic Energy Agency
2 has served the world community for almost 35 years
3 in implementing safeguards against the military uses
4 of civilian nuclear facilities;

5 (3) the IAEA has served and continues to serve
6 important United States interests in ensuring the
7 peaceful uses of nuclear energy and in reducing the
8 risk of nuclear weapons proliferation;

9 (4) IAEA safeguards remain essential elements
10 of United States domestic legislation and inter-
11 national treaty commitments which are intended to
12 halt the global spread of nuclear weapons;

13 (5) the ability of the IAEA to secure the peace-
14 ful uses of nuclear energy will depend upon its abil-
15 ity to adapt to changing political and technological
16 conditions;

17 (6) the ability of the IAEA to achieve its safe-
18 guards objectives is jeopardized by nations that pur-
19 sue nuclear weapons options in violation of their nu-
20 clear nonproliferation treaty commitments;

21 (7) the ability of the IAEA to achieve its safe-
22 guards objectives is further challenged by the per-
23 sistent efforts by some nations to make large-scale
24 commercial uses of weapons-grade nuclear material;

1 (8) in recent years, the IAEA has taken on sig-
2 nificant new safeguards responsibilities, including in-
3 spection activities in Iraq, North Korea, South Afri-
4 ca, Brazil, and Argentina and the implementation of
5 safeguards on bulk-scale reprocessing facilities;

6 (9) these safeguards responsibilities are growing
7 while the IAEA's budget and manpower resources
8 have remained virtually constant and even declined
9 in some years;

10 (10) Iraq's technological advancement toward
11 developing a nuclear weapons capability underscores
12 the need for reforms in the implementation of IAEA
13 safeguards; and

14 (11) the United States and other member
15 states of the IAEA must give the IAEA adequate
16 political, technical, and financial support if it is to
17 implement these reforms successfully.

18 **SEC. 3. PROGRAMS TO REFORM INTERNATIONAL NON-**
19 **PROLIFERATION SAFEGUARDS.**

20 (a) ADDITIONAL ASSISTANCE TO IAEA.—Subject to
21 the limitations and requirements provided in this Act, the
22 Secretary of State, under the guidance of the President,
23 shall, during fiscal year 1994 and fiscal year 1995, provide
24 to the IAEA, in addition to the United States annual as-

1 sessed contribution to the IAEA, assistance for the pur-
2 poses set forth in subsection (b).

3 (b) PURPOSES OF ASSISTANCE.—The purposes for
4 which assistance under subsection (a) shall be provided
5 are limited to—

6 (1) the implementation by the IAEA of reforms
7 to strengthen the effectiveness of IAEA safeguards;
8 and

9 (2) contributions to the Technical Assistance
10 and Cooperation Fund of the IAEA.

11 (c) RESTRICTIONS.—Assistance authorized by sub-
12 section (a) for the purpose set forth in subsection (b)(2)
13 may be provided only if the President certifies to the Con-
14 gress that the IAEA is taking steps to implement reforms
15 to improve the effectiveness of IAEA safeguards, includ-
16 ing, but not limited to, those described in subsection (d).

17 (d) REFORMS IN IAEA SAFEGUARDS.—The Presi-
18 dent shall direct the United States representatives to the
19 IAEA to work toward the early adoption of reforms in the
20 implementation of the safeguards responsibilities of the
21 IAEA, including the following reforms:

22 (1) Improving the access of the IAEA within
23 any non-nuclear-weapon state to nuclear facilities,
24 whether or not declared by that state, that are capa-
25 ble of producing, processing, or fabricating special

1 fissionable material suitable for use in a nuclear ex-
2 plosive device.

3 (2) Increasing the transparency of international
4 nuclear commerce.

5 (3) Examining the feasibility of increasing the
6 scope of safeguards to include all activities and fa-
7 cilities which could significantly contribute to the ac-
8 quisition or production of nuclear explosive devices.

9 (4) Improving the access of the IAEA to infor-
10 mation about the nuclear activities of member states
11 of the IAEA.

12 (5) Examining the practicality and advisability
13 of the IAEA conducting less frequent inspections at
14 nuclear facilities in member states which—

15 (A) provide advance consent for the IAEA
16 to conduct unrestricted, short notice inspections
17 of any facility, whether or not declared by the
18 state;

19 (B) accept IAEA safeguards for the con-
20 struction of new facilities or the modification of
21 existing facilities which fall under the scope of
22 IAEA safeguards; and

23 (C) accept any inspectors of the IAEA who
24 are approved by the Board of Governors of the
25 IAEA, agree not to limit the number of such in-

1 spectors, and waive visa requirements for such
2 inspectors.

3 **SEC. 4. AUTHORIZATION OF FUNDING.**

4 In addition to amounts otherwise made available for
5 the IAEA, there are authorized to be appropriated
6 \$10,000,000 for fiscal year 1994 and \$10,000,000 for fis-
7 cal year 1995, to the Department of State to carry out
8 section 3(a), of which not more than \$5,000,000 in each
9 such fiscal year may be made available for the purpose
10 set forth in section 3(b)(2).

11 **SEC. 5. REPORTING REQUIREMENT.**

12 (a) REPORT TO CONGRESS.—The President shall, in
13 the report required by section 601(a) of the Nuclear Non-
14 Proliferation Act of 1978, describe—

15 (1) the steps he has taken and plans to take to
16 implement each of the objectives set forth in section
17 3(d);

18 (2) the progress that has been made and the
19 obstacles that have been encountered in seeking to
20 meet the objectives set forth in section 3(d);

21 (3) any other steps he has taken or plans to
22 take to strengthen the implementation of IAEA safe-
23 guards;

24 (4) the steps the IAEA has taken to implement
25 each of the objectives set forth in section 3(d); and

1 (5) any other steps the IAEA has taken to
2 strengthen the implementation of IAEA safeguards.

3 (b) REPORT ON FUNDING.—Within one year after
4 the date of the enactment of this Act, the President shall
5 submit to the Congress a report assessing what additional
6 funds are required for the IAEA to implement the objec-
7 tives set forth in section 3(d) and what funds the United
8 States plans to contribute to the IAEA over the next 5
9 fiscal years.

10 **SEC. 6. DEFINITIONS.**

11 As used in this Act—

12 (1) the term “IAEA” means the International
13 Atomic Energy Agency;

14 (2) the term “non-nuclear-weapon state” means
15 any country which is not a nuclear-weapon state, as
16 defined by Article IX(3) of the Treaty on the Non-
17 Proliferation of Nuclear Weapons, signed at Wash-
18 ington, London, and Moscow on July 1, 1968;

19 (3) the term “nuclear-weapon state” has the
20 meaning given to such term by Article IX(3) of such
21 Treaty; and

22 (4) the term “special fissionable material” has
23 the meaning given to such term by Article XX(1) of
24 the Statute of the International Atomic Energy

- 1 Agency, done at the Headquarters of the United Na-
- 2 tions on October 26, 1956.

